**A** **BILL**

TO AMEND TITLE 48 OF THE 1976 CODE, RELATING TO ENVIRONMENTAL PROTECTION AND CONSERVATION, BY ADDING A NEW CHAPTER TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE THAT A PERSON MAY NOT USE A BALANCING PRODUCT THAT CONTAINS LEAD OR MERCURY WHEN REPLACING OR BALANCING A TIRE ON A MOTOR VEHICLE OR AIRCRAFT, TO PROVIDE THAT A PERSON SHALL NOT SELL OR OFFER TO SELL OR DISTRIBUTE WEIGHTS OR OTHER PRODUCTS FOR BALANCING MOTOR VEHICLE OR AIRCRAFT WHEELS IF THE WEIGHT OR OTHER BALANCING PRODUCT CONTAINS LEAD OR MERCURY THAT WAS INTENTIONALLY ADDED DURING THE MANUFACTURE OF THE PRODUCT, TO PROVIDE THAT A PERSON SHALL NOT SELL NEW MOTOR VEHICLES OR AIRCRAFTS WITH LEAD OR MERCURY, TO PROVIDE THAT A PERSON SHALL NOT SHRED OR CRUSH, OR MARKET FOR SHREDDING OR CRUSHING, ANY MOTOR VEHICLE, AIRCRAFT, WATERCRAFT, OR RAILROAD OR INDUSTRIAL EQUIPMENT WITHOUT INSPECTING SUCH FOR LEAD OR MERCURY, TO PROVIDE THAT MERCURY IN WHEEL WEIGHTS AND OTHER BALANCING PRODUCTS FOR MOTOR VEHICLE AND AIRCRAFT WHEELS MUST BE RECYCLED OR OTHERWISE MANAGED TO COMPLY WITH SECTION 44‑56‑130, AND TO PROVIDE THAT PRIOR TO JANUARY 1, 2017, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PRODUCE AND DISTRIBUTE EDUCATIONAL MATERIALS ON THE PROHIBITIONS REQUIRED UNDER THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 48 of the 1976 Code is amended by adding:

“Chapter 61

Section 48‑61‑10. As used in this chapter:

(1) ‘Motor vehicle’ means a self‑propelled vehicle or a vehicle propelled or drawn by a self‑propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air.

(2) ‘New motor vehicle’ means a motor vehicle that has not been previously sold to a person except a distributor, wholesaler, or motor vehicle dealer for resale.

Section 48‑61‑20. When replacing or balancing a tire on a motor vehicle or aircraft, a person may not use a wheel weight or other product for balancing motor vehicle or aircraft wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Section 48‑61‑30. A person shall not sell or offer to sell or distribute weights or other products for balancing motor vehicle or aircraft wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Section 48‑61‑40. A person may not sell a new motor vehicle or aircraft that is equipped with a weight or other product for balancing wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

Section 48‑61‑50. A person shall not shred or crush, or market for shredding or crushing, any motor vehicle, aircraft, watercraft, or railroad or industrial equipment, or any portion thereof, without:

(1) inspecting the vehicle or equipment; and

(2) removing all weights or other products for balancing wheels or other equipment if the weights or balancing products contain lead or mercury that was intentionally added during the manufacture of the weights or balancing products.

Section 48‑61‑60. Mercury in wheel weights and other balancing products for motor vehicle and aircraft wheels must be recycled or otherwise managed to comply with Section 44‑56‑130 to ensure that it does not become part of the solid waste stream and is not released to the environment. Lead in wheel weights and other balancing products for motor vehicle and aircraft wheels must be recycled to ensure that it does not become part of the solid waste stream and is not released to the environment.

Section 48‑61‑70. Prior to January 1, 2017, the Department of Health and Environmental Control shall produce and distribute educational materials on the prohibitions required under this section to businesses subject to the prohibitions and shall conduct additional outreach and education activities to those businesses.”

SECTION 2. This act takes effect upon approval by the Governor.

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